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April Witter, and Nissel Young*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,  
  
Plaintiff,  
  
v.  
  
N. YOUNG, et al.  
  
Defendants.

Case No. 3:14-cv-00178-RCJ-VPC

**MOTION FOR ENLARGEMENT OF TIME  
TO FILE OPPOSITION TO PLAINTIFF'S  
MOTION FOR NEW TRIAL**

Defendants, Renee Baker, April Witter, and Nissel Young, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby submit their Motion for Enlargement of Time to File Opposition to Plaintiff's Motion for New Trial. This motion is based on the following memorandum of points and authorities, all papers and pleadings on file herein, and any other evidence the Court deems appropriate to consider.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NATURE OF MOTION**

Presently before the Court is Plaintiff's Motion for New Trial (ECF No. 166). The opposition to this motion was due on January 9, 2017. However, all state offices in Northern Nevada, including the Attorney General's Office, were closed on January 9 due to heavy flooding. Counsel is presently out of the office with bronchitis. Defendants seek a seven day extension of time to file an Opposition to Plaintiff's Motion for New Trial.

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1 **II. DISCUSSION**

2 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

3 When an act may or must be done within a specified time, the court may,  
4 for good cause, extend the time: (A) with or without motion or notice if  
5 the court acts, or if a request is made, before the original time or its  
6 extension expires; or (B) on motion made after the time has expired if the  
7 party failed to act because of excusable neglect.

8 The proper procedure, when additional time for any purpose is needed, is to present a request for  
9 extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31  
10 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
11 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8  
12 F.R.D. 268 (N.D. Ohio 1947).


13 The Office of the Nevada Attorney General was unexpectedly closed on Monday January 9,  
14 2017, due to heavy flooding in Carson City. Counsel for Defendants is currently out of the office with  
15 bronchitis and therefore cannot properly respond to Plaintiff's motion. Based on these considerations  
16 and circumstances, Defendants request that the Court grant an extension of seven days to file an  
17 opposition to Plaintiff's Motion for New Trial. This request is made in good faith and not for the  
18 purposes of causing undue delay or a burden on any party or the court.

19 **III. CONCLUSION**

20 Based on the foregoing, it is respectfully requested the Court grant an enlargement of time to file  
21 an opposition to the motion for new trial.

22 DATED this 10<sup>th</sup> day of January, 2017.

23 ADAM PAUL LAXALT  
24 Attorney General

25 By:   
26 BENJAMIN R. JOHNSON  
27 Deputy Attorney General  
28 Bureau of Litigation  
Public Safety Division

*Attorneys for Defendants*

IT IS SO ORDERED this 11th day of January, 2017.

  
ROBERT C. JONES